

EXHIBIT 1

From: 'David Yerushalmi, AFLC'
Sent: Tuesday, August 1, 2023 9:10 AM
To: 'Mendoza, Martha'
Cc: 'Linderman, Juliet'; 'Galofaro, Claire'
Subject: RE: Associated Press query

Dear Ms. Mendoza

You will forgive me if I peer through the veneer of the pretense of investigative journalism and see this latest effort of yours to attempt to support your earlier quite biased, poorly conceived advocacy efforts supporting John and Jane Doe's fictitious claim of legal guardianship. However, because I believe your email description of how you came to locate the village and the villagers to be of value in the litigation, and I intend to share it with the federal court, I will respond to your pointed questions with responses that, in the main, would have been obvious to an objective, investigative journalist.

Thus, you ask, and we respond as follows:

1. Do you continue to believe that the child is not Afghan, and what is that based on?

Yes, given the very explicit testimony of the eyewitnesses to the actual assault. Unless all of the Army Rangers who put their lives at risk are lying and the reams of classified intel, both human intel and signal intel, were fabricated, the compound raided was occupied by foreign fighters. That testimony and that evidence is beyond any real debate. Indeed, even your nameless villagers concede the presence of foreign fighters. Further, not a single villager nor a single family member who actually knew Baby Doe has ever testified or reliably asserted that they know that Baby Doe (*i.e.*, the actual child at issue here) is the daughter of a farmer. Is it not quite possible that this innocent farmer with five children died in this fire fight or elsewhere but Baby Doe was the child of foreign fighters? It is common knowledge that the foreign fighters enlisted to fight in Afghanistan brought their wives and gave birth to children in Afghanistan. The presence of women and children of foreign fighters living with the foreign fighters was and remains commonplace.

2. Do you believe it would be possible for civilians to have been killed in this raid? Why or why not?

Of course. But again, the ONLY eye witnesses of the raid and deaths in the compound were the Army Rangers, the Afghan army soldiers accompanying US forces, and of course the foreign fighters, many of whom were killed.

3. What about this child's origin impacts why you believe she should remain permanently in your care?

First, there is a lawful order of custody and temporary adoption in place and a final order of adoption on appeal. Second, John and Jane Doe have provided literally ZERO evidence that they are in fact related to Baby Doe. No DNA and they refuse to submit to a DNA test. No witnesses other than their own self-serving testimony, which taken at face value is worthless. They never knew Baby Doe until the day John Doe's father dropped her off with Jane Doe. Indeed, John Doe's father has not provided any testimony that Baby Doe is a claimed half-brother's daughter. To that point, there is no evidence that John Doe's father ever met his alleged half-brother's daughter prior to the "turnover" to even know if Baby Doe is that purported child. Does this huge vacuum of basic family evidence not trigger any intellectual curiosity or even a smidgeon of a visceral response that something is amiss? Apparently not. How is it that John

and Jane Doe have not a single picture of their “family” (the parents of Baby Doe and newborn Baby Doe) prior to the attack?

4. Do you continue to doubt her relationship with the Afghan couple who claims they are her relatives, and what are those doubts based on?

We not only doubt it, we are convinced from the EVIDENCE that they are not related. See above. And, by the by, even if they are related, under the law of Afghanistan at the time, they could not become Baby Doe’s legal guardian without a court order. There was no court order. I would be interested to know if you have seen a court order or if you have spoken to anyone who has seen such a court order. It does not exist. The so-called investigation, due diligence, and vetting to identify a family member by the collapsing and feckless Afghan government has never seen the light of day.

5. All the villagers we met told the same story: the farmer and his family were Afghan and had lived in this village a long time, and had no connection to terrorism. The farmer had a baby who they searched for in the rubble and were unable to find. If this is not true, what do you think would be the motivation for these villagers to insist that it is?

Preliminarily, I’d like to know who “All the villagers we met” were and what story they actually told. But let’s assume for present purposes that a score of villagers “told the same story.” Let’s also assume that their story is true (a huge assumption as noted momentarily). A farmer died in an attack on a foreign fighter compound. First, I’d like to know what the farmer was doing living in the same compound as heavily armed foreign fighters. The Rangers took heavy casualties that day. Those folks shooting at the Rangers, setting off home-made explosives and other munitions, and fighting to the death were not innocent farmers. Second, based upon the very subjective story telling of these villagers, none of the villagers have told you that they personally knew Baby Doe and that she was the farmer’s daughter, as opposed to simply claiming that the farmer had X number of children, and a baby was missing. You are making quite a leap, given the eyewitness testimony of the Rangers, that Baby Doe was the innocent farmer’s daughter. Finally, you have demonstrated how facile it is for an American-based journalist to locate the exact village and speak to the villagers. The Taliban have long-since made this case their own with an actual website posting. Do you not suppose they have made it clear to the villagers that the “Baby Doe is an Afghan child stolen by a Christian marine” is the official narrative and making claims to the contrary is not a formula for longevity? Journalists of your stripe used to travel to the Soviet Union and report that all of the Soviet comrades interviewed reported life is beautiful in the new revolutionary state. I am not impressed.

6. The federal government has questioned the veracity of the mission summary report that has been filed in the federal case. The Department of Defense told us that Joshua Mast wrote this document himself in his effort to adopt this baby, and said that it does not endorse this document. Can you help us understand the origin of this report, its creation and whether it is a reliable description of the raid?

This last question demonstrates a point I have made about your “journalism” in court filings. First, the unclassified mission summary report was the collaborative product of several lawyers serving with Joshua. Do you not know this? Second, it, together with hundreds of pages of classified information, was reviewed by several sets of eyes superior in rank to Joshua. Do you not know this? Are they all lying? You obviously have not seen the transcript of the Rangers’ eyewitness testimony. I’d like to know who in the DOD is “questioning the veracity” of this report? Are they authorized to speak to journalists about such sensitive matters? If so, provide me your source and I’ll gladly depose him/her on the record. You of course will not provide your source and I dare say it will be “anonymous” sources when your advocacy article hits. Have you vetted your source? I doubt it.

David Yerushalmi*

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From: Mendoza, Martha

Sent: Monday, July 31, 2023 9:40 AM

To: [Redacted]

Cc: Linderman, Juliet ; Galofaro, Claire

Subject: Associated Press query

Dear Joshua Mast, John Moran, Richard Mast and David Yerushalmi,

I hope this note finds you well.

I plan to be in the DC area the week of August 7-13 and would appreciate any opportunity to meet in person.

Meanwhile, my colleagues and I are preparing to publish a story about the Sept. 5, 2019 raid in Afghanistan that orphaned the little girl in your care. An Associated Press team traveled to the village where the raid occurred, using available satellite imagery and publicly available information from the court record to discern the village.

People in the village all told AP that among those killed were a farmer, his wife and five of his children, along with foreign families who arrived more recently. Family members and neighbors of the farmer say he and his family had no connection to Al-Qaida, or foreign fighters who were the purported targets of this raid. They said the farmer had a baby, who they searched for and were unable to find in the rubble of the farmer's home. Eventually, they say, they worked with the Afghan government and the ICRC to unite the child with surviving biological relatives.

It is very important to us that we give you a chance to respond to our reporting. We don't want anyone to be surprised by what we publish.

Here are a few questions we are hoping you are able to answer:

1. Do you continue to believe that the child is not Afghan, and what is that based on?
2. Do you believe it would be possible for civilians to have been killed in this raid? Why or why not?
3. What about this child's origin impacts why you believe she should remain permanently in your care?

4. Do you continue to doubt her relationship with the Afghan couple who claims they are her relatives, and what are those doubts based on?
5. All the villagers we met told the same story: the farmer and his family were Afghan and had lived in this village a long time, and had no connection to terrorism. The farmer had a baby who they searched for in the rubble and were unable to find. If this is not true, what do you think would be the motivation for these villagers to insist that it is?
6. The federal government has questioned the veracity of the mission summary report that has been filed in the federal case. The Department of Defense told us that Joshua Mast wrote this document himself in his effort to adopt this baby, and said that it does not endorse this document. Can you help us understand the origin of this report, its creation and whether it is a reliable description of the raid?

Our deadline is Wednesday, August 2, 5p ET.

We are very grateful for your ongoing consideration and help.

Respectfully yours,

Martha Mendoza, Juliet Linderman and Claire Galofaro



Martha Mendoza

Associated Press Writer

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